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SHORTHAND REPORTING

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FILED

March 8, 2010

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF COURT REPORTING

IN THE MATTER OF

ALEXANDRIA McCAHILL, C.C.R.

Certificate No: 30XI00226300

TO PRACTICE COURT REPORTING
IN THE STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") upon its review of information that the respondent Alexandria McCahill, C.C.R., had failed to complete a minimum of fifteen (15) credits of continuing court reporting education courses during the period of July 1, 2006 to June 30, 2008 required for biennial license renewal pursuant to N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2. The Board has reviewed relevant documents on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a certified court reporter in the State of New Jersey and has been a certificate holder at all times relevant hereto.

2. N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) require that certificate holders complete fifteen (15) continuing education credits for biennial certification renewal. N.J.A.C. 13:43-7.1(a) specifically requires that the certificate holder complete the required credits during the preceding biennial period. Therefore, for the biennial renewal period of 2008-2010, certificate holders were required to complete fifteen (15) continuing education credits during the period of July 1, 2006 to June 30, 2008.

3. In or about January 2009, the Board initiated a random audit of renewal applications for the 2008-2010 period, asking those randomly selected certificate holders to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifteen (15) credits of continuing education.

4. Respondent submitted information which indicated that she had completed a total of three (3), of the required fifteen (15), continuing education credits during the allotted time period of July 1, 2006 to June 30, 2008.

5. The Board, at its January 2009, granted the respondent a six (6) month extension to fulfill the requirement of the completion of fifteen (15) continuing education credits. He/She has now submitted documentation that demonstrates that he/she has satisfied the requirement but not within the time period required by law.

CONCLUSIONS OF LAW

1. Respondent failed to satisfy the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) with regard to the timely completion of the required number of continuing education credits for the 2008-2010 renewal period and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), namely, the failure to comply with the provisions of an act or regulation administered by the Board. The Board finds that this conduct constitutes grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for sanction pursuant to N.J.S.A. 45:1-25.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which provisionally imposed a formal reprimand and a civil penalty totaling \$1,200.00, was

entered on September 28, 2009, and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

As stated earlier, a copy of the Provisional Order was sent to the respondent, via both certified and regular mail, on or about September 29, 2009, to her last known address of record of 2206 Glenmere Court, Wall Township, New Jersey 07719. While, to date, the green receipt card of the certified mail has not been received by the Board, neither the certified mail nor the regular mail was returned to the Board office. Additionally, the Board has, to date, not received a response to the Provisional Order from the respondent.

This matter was considered by the Board at its November 2009, meeting. Following its review of this matter, the Board concluded that it has met its obligation of proving service by mailing of the proper documents to the certificate holder's

address of record filed with the Board. Additionally, the Board concluded that, despite proof that the respondent had received the Provisional Order, the respondent had failed to comply with the Board's directives and submit proof of completion of the required continuing education credits as required by N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a). Moreover, the Board concluded that the respondent had failed to provide any compelling reasons why the preliminary findings detailed in the September 28, 2009 Provisional Order should be vacated or modified in any way. Additionally, the Board determined that further proceedings were not necessary and that respondent cannot evade process by not responding to it and that no material discrepancies had been raised. Thus, the Board voted to finalize the Provisional Order without modification.

ACCORDINGLY, IT IS on this 15th day of March

MARCH 2010 ORDERED that:

1. Respondent, Alexandria McCahill, C.C.R., is hereby formally reprimanded for failing to timely complete the required number of continuing education credits, in violation of N.J.S.A. 45:1-21(h), N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a).

2. Ms. McCahill is hereby assessed a civil penalty in the amount of **\$1,200.00** for failing to complete the required number of continuing education credits during the preceding

biennial period, in violation of N.J.S.A. 45:1-21(h), N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1.

In the alternative, Ms. McCahill may notify the Board office, prior to the entry of this Order, that she will pay the civil penalty, totaling **\$1,200.00** in equal monthly installments payments of **\$100.00** for a total of twelve (12) months. The first payment shall be paid simultaneously with the submission of this Order with subsequent payments due on the fifteenth of each month thereafter until the total amount is paid in full.

Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the penalty within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent disciplinary proceedings before the Board for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD
OF COURT REPORTING

By: 

MARIANNE CAMMAROTA, C.C.R.
President